

REMARKS

In response to the Advisory Action dated February 24, 2009, claims 1-18 are pending. Claims 1, 2 and 12 have been amended. Claims 13-18 are new. Support for the new claims is found, for example, in the originally filed claims, therefore no new matter has been added.

In the Advisory Action, the Examiner has refused to withdraw finality of the Final Office Action, stating that new reference Reith is cited as evidence to show that a multitude of particle sizes can be used in a hot melt adhesive. Though Applicants do not agree with the Examiner's assertion, in the interest of advancing prosecution, Applicants submit this Request for Continued Examination. The claims have been amended to present embodiments of the invention in dependent claims, and to better present the claims for prosecution.

In the Advisory Action, the Examiner states "All primry [sic] references show Applicant's polymers and fillers with particle sizes." However, as have been presented in the remarks, and agreed by the examiner, The references do NOT show the Applicant's polymers, since the polymers of the references do not have the properties required by the claims, namely the MVR value of the hot-melt adhesive or the properties of the final hot-melt adhesive/filler material compound. This has been shown by Applicants by preparing the compositions disclosed in the closest prior art, and showing that it does NOT have the properties required by the claims. Therefore, the maxim that a compound and it's properties are one and the same is irrelevant to this case, since it has already been shown that the compounds disclosed in the prior art are NOT the same as the claimed compositions. If they were, the compositions would be anticipated, and the Examiner has agreed they are not anticipated, as shown by the withdrawal of rejections under 35 U.S.C. § 102.

The Examiner further states "As long as the compositions are disclosed the cited references do not have to show the dvantages [sic] of applicants' compositions." As stated above, since it has been agreed that the compositions are NOT the same, then the advantages of Applicants compositions have significant importance. The properties of the Applicants' composition are unexpected in view of the references, which do not disclose or imply those properties. The advantages conferred by those properties are likewise unexpected in view of the references.

The Examiner states "the criticality of the MVR is not shown in the specification and Table 1 does not show why certain formulations are better than others." Applicants are uncertain of the

Examiner's position, since there are two MVR values required by the claim. First is the MVR value of the hot-melt adhesive, and the second is the MVR value of the hot-melt adhesive/filler material compound. Both MVR values are claimed. Furthermore, neither MVR value is disclosed in the references cited, nor is the MVR value recognized in the prior art. Applicants wish to point out again, that it is not only the MVR values, but the combined properties recited in the claims which define the inventive compositions. The advantages of the present invention are based at least partially on the fact that it comprises a hot-melt adhesive not in the prior art (having a different MVR value). In the absence of some disclosure of these values, the prior art references, even when combined, do not disclose each and every limitation of the claimed invention and, therefore, a *prima facie* case for obviousness has not been presented.

The Examiner states in the Advisory Action "suitable is not a defined property and yes/no is quite ambiguous [sic]." Without some further explanation, Applicants are forced to guess the Examiner's position. Applicants interpret the Examiner's position to be that the Examiner wishes to see a comparison of the compositions of the prior art with the inventive composition. The compositions and their properties are already shown in Table 1. Paragraph [00014] of the specification states "hot-melt adhesive/filler material compound mixtures suitable for the invention are listed in Table 1. The measured values demonstrate that these compounds are suitable for shoe reinforcement materials." The yes/no values indicate whether a composition is suitable for the invention.

In view of the above amendment and arguments, Applicants believe the pending application is in condition for allowance.

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Respectfully submitted,

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